

Sub P3
D3

38. (Amended) [The skin engaging member of claim 28 wherein] A skin engaging member for use in a razor cartridge, said skin engaging member comprising a water insoluble polymer, an amount of a water soluble shaving aid and means in said skin engaging member for gradually indicating a change in said amount of said shaving aid, said means for indicating comprising at least one coloring agent, said means for indicating [comprises] comprising a coating on top of a portion of said skin engaging member, wherein said coating is adapted to gradually wear off said skin engaging member during use of said skin engaging member in shaving.

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40. (Amended) A razor cartridge comprising a blade and a skin engaging member [according to claim 27] affixed adjacent said blade, said skin engaging member comprising a water insoluble polymer, an amount of a water soluble shaving aid and means in said skin engaging member for gradually indicating a change in said amount of said shaving aid.

Remarks

Information Disclosure Statement

The Examiner requested additional information concerning two items provided with the September 27, 1999 Information Disclosure Statement (Paper No. 8). Applicant

does not know the exact date of either item. The information applicant has regarding these items is as follows. The package back label includes a copyright notice with a 1997 date. The package of Schick® Protector® cartridges is believed to have been purchased in 1999.

Response to Examiner's Action

In the Examiner's Action mailed February 3, 2000, the Examiner allowed claims 20-26. The Examiner indicated that claims 31 and 38-41 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner further indicated that claims 32-37 appear that they would be allowable if rewritten or amended to address the rejections made under 35 U.S.C. § 112.

Amended Claims

Claim 27 has been amended to more particularly define applicant's invention.

Claims 31, 38 and 40 have been amended to comply with the Examiner's suggestions.

Claim 31 has been amended to incorporate claims 27-30.

Claim 38 has been amended to incorporate claims 27 and 28.

Claim 40 has been amended to incorporate claim 27.

Claims 39 and 41 have not been amended. The amendments to claims 31, 38, and 40 respond to the issues raised by the Examiner.

Claims 27-30

Claims 27-30 were rejected under 35 U.S.C. § 102(b) and claims 28-30 were rejected under 35 U.S.C. § 103(a) in view of Wolf U.S. Patent 1,292,982 ("Wolf"). Wolf essentially discloses a piece of soap in a sack. Assuming, arguendo, that Wolf's "sack" is a "skin engaging member" as set forth in claim 27, there is nothing in the sack that gradually indicates a change in the amount of soap in the sack. "Squeezing the [sack]," as the Examiner proposes, is not an element of the sack.

Claim 27 has been amended to recite that the skin engaging member is "sized and adapted for attachment to" a razor cartridge. Wolf is sized and adapted for holding in a person's hand. There would have been no motivation to miniaturize the Wolf sack for attachment to a razor cartridge, as this would have destroyed the intended use and function of the Wolf sack.

In addition, even though one of Wolf's embodiments is directed to providing shaving soap to a user's face, shaving soap (or the currently-used gel or cream) is applied prior to shaving, not during shaving as part of the shaving stroke, as is the case with the shaving aid of the present

invention. Having both pre-shaving-applied shaving soap and during-shaving-applied shaving aid is beneficial to an improved shaving experience. Therefore, replacing applicant's shaving-aid applier with a shaving-soap applier would be neither practicable nor desirable.

Therefore, Wolf does not anticipate amended claim 27. Moreover, the amendment to claim 27 results in Wolf neither anticipating nor rendering obvious claims 28-30.

Claims 32-37

The Examiner's rejections of claims 32-37 have been carefully considered and are respectfully traversed.

Claims 32-37 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the "adapted to" language was vague and inadequate. It is well established that limitations appearing in "adapted to" clauses and functional terms, such as erodible, give meaning to the structure. Pac-Tec Inc. v. Amerace Corp., 903 F.2d 796, 801, 14 USPQ2d 1871, 1876 (Fed. Cir. 1990) (limitations that included adapted to, whereby and thereby "constituted structural limitation"); In re Venezia, 530 F.2d 956, 958-59, 189 USPQ 149, 151-52 (CCPA 1976) ("adapted to" language "imparts a structural limitation"); In re Swinehart, 439 F.2d 210, 212-13, 160 USPQ 226, 228-29 (CCPA 1971) ("there is nothing intrinsically wrong with the use of such a technique ["to define something ... by what it does rather

than what it is"] in drafting patent claims") (emphasis in original).

Potential Interference

Applicant would also like to remind the Examiner of the potential for an interference between this application and pending applications of Wexler and Andrade. Applicant requests that the Examiner investigate the status of Wexler et al. U.S. Application No. 08/285,364 ("Wexler '364"), filed on August 3, 1994, and any continuation, continuation-in-part or divisional application of Wexler '364 (collectively "Wexler U.S.") and determine if an interference should be declared between Wexler U.S. and the present application (particularly with regard to claims 27-30 and 38-39).

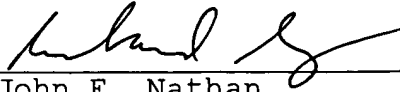
Conclusion

Applicant appreciates the Examiner's allowance of claims 20-26.

With the above amendments and response, it is submitted that claims 20-41 are now in condition for allowance.

An early and favorable action is respectfully
requested.

Respectfully submitted,



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